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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/759,996 | 01/16/2004 | Frederick Diggle | BS030555 | 8681 |

7590 02/01/2005
Scott P. Zimmerman
P.O. Box 3822
Cary, NC 27519

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| EXAMINER |
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KING, ANITA M

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| ART UNIT | PAPER NUMBER |
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3632

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/759,996

Applicant(s)

DIGGLE ET AL.

Examiner

Anita M. King

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 10-12 is/are rejected.
- 7) ☒ Claim(s) 6-9 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/21/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

This is the first office action for application number 10/759,996, Communication Cable Support, filed on January 16, 2004.

Drawings

The drawings are objected to because reference character "38" in the center of Fig. 2 should be deleted. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: the specification refers to Fig. 5 in the Brief Description of the Drawings, however, there is no Fig. 5 in the drawings, the drawings contain Figs. 5A and 5B; and reference character "38" is used to designate a link and an open end on page 6, paragraph 13.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 2,630,610 to Lock. Lock discloses an apparatus comprising: a chain (26) dangling from a means for supporting the apparatus; a generally hook-shaped saddle (16), the saddle comprising a crown (10,12), a stem (14) downwardly extending from the crown, and a generally semi-circular section outwardly extending from the stem and forming a saddle; the crown including an open-ended slot (21) for sliding onto a link of the chain; wherein the crown can be positioned along the chain, thus varying the height of the saddle along the chain and helping maintain a desired routing of a cable; wherein the saddle includes a gate (17) hinged to an outer tip thereof; and wherein the open-ended slot inwardly extends from an outer edge of the crown.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lock in view of U.S. Patent 6,267,343 to Waisbrod et al., hereinafter Waisbrod. Lock further discloses the saddle (16) is attached to the stem (14) that is pivotally attached to the link portion of the crown. Lock discloses the claimed invention except for the limitation of a second generally hook-shaped saddle. Waisbrod teaches a cable support having a mounting portion (6) attached to a shank/stem (5) and wherein two hook-shaped saddles (3 & 4) extend downwardly from the mounting portion. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the apparatus in Lock to have included the hook-shaped saddles as taught by Waisbrod for the purpose of providing a means to hold a large amount of cable on both sides of the apparatus.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lock in view of U.S. Patent 6,317,940 to Matoba et al., hereinafter, Matoba. Lock discloses the claimed invention except for the limitation of the saddle including a flange on the outer edge. Matoba teaches a generally hook-shaped saddle (11) having a flange (see Fig. 2) at an outer edge thereof. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the hook-shaped saddle in

Lock to have included the flange as taught by Matoba for the purpose of providing a means for reinforcing the hook-shaped saddle portion.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lock in view of U.S. Patent 382,171 to Lutz. Lock discloses the claimed invention except for the limitation of the means for supporting the apparatus having a threaded member. Lutz teaches an apparatus having a chain (B) dangling from a means for supporting the apparatus, a generally hooked-shaped saddle (F) and wherein the means for supporting the apparatus comprises a threaded member (C). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the means for supporting the apparatus in Lock to have included the means for supporting as taught by Lutz for the purpose of providing an alternative mechanically equivalent means for hanging the apparatus from a support surface.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lock in view of U.S. Patent 4,811,475 to Morton, Jr., hereinafter, Morton. Lock discloses the claimed invention except for the limitation of the means for supporting including a S-shaped member. Morton teaches an apparatus having a chain, a means for supporting the apparatus on a support surface, and the means for supporting including a S-shaped member (56) for hooking to the supporting surface (34). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the apparatus in Lock to have included the supporting means as taught by Morton for the purpose of providing more stability to the supporting means when attached to the support structure.

Allowable Subject Matter

Claims 6-9 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 4,273,371 to Behnke et al.

U.S. Patent 4,332,411 to Ellzey

U.S. Patent 5,253,909 to Oshita

U.S. Patent 5,765,891 to Fredriksson

U.S. Patent 5,779,198 to Rutherford et al.


U.S. Patent 6,186,383 to Kobdish

Behnke et al. disclose a claw hook assembly for a chain. Ellzey discloses a laydown apparatus having a hook-shaped member. Oshita discloses a combination chain and chain hook. Fredriksson discloses a lifting hook having a chain. Rutherford et al. disclose a hanger bracket having hooked-shaped saddles. Kobdish discloses a mounting device having a hook-shaped saddle including a gate hingedly attached to the tip of the saddle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (703) 308-2162. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Anita M. King
Primary Examiner
Art Unit 3632

January 27, 2005